

# **MINUTES**

## **THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI March 10, 2015**

### **INTRODUCTORY**

The Board of Aldermen of the City of Branson, Missouri, met in regular session in the Council Chambers of the City Hall on March 10, 2015, at 7:00 p.m. Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Ted Martin gave the invocation.

### **ROLL CALL**

Deputy City Clerk Bargman called roll: Mayor Presley presiding, Patrick Parnell, Mike Booth, Rick Todd, Cris Bohinc, Rick Davis and Bob Simmons.

Also present from the City were: City Administrator Bill Malinen, Deputy City Clerk Hillary Bargman, City Attorney William Duston, Public Works Director and City Engineer David Miller, IT Director Chad Forster, Police Chief Kent Crutcher, Parks and Recreation Director Cindy Shook, Utilities Director Mike Ray, Economic Development Director Garrett Anderson, Planning and Development Director Joel Hornickel, Finance Director Jamie Rouch and Fire Chief Ted Martin.

### **EMPLOYEE OF THE MONTH**

Alderman Davis presented Bryan Miller of the Police Department as the March Employee of the Month in recognition for displaying the City of Branson Values of Teamwork and Cooperation, Volunteerism and Stewardship.

### **PUBLIC COMMENT**

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

William Dixon, 804 Oakview Road, Branson, Missouri, commented he is a resident of Branson who is raising a family and he is deeply concerned about crime in Branson. He understands there isn't a solution that will fix everything since morality cannot be legislated, but feels forming a citizen's task force to work with the Police Department and local businesses would help fight crime. Mr. Dixon suggested expanding the bicycle program by utilizing officers from other communities to work part-time in the bicycle program. He added, there are many different types of people in Branson and he is heartbroken for people in the community that have experienced horrific crimes and feels there should be more of an outrage and better ways of getting people involved. He mentioned recently receiving a ticket for expired tags and feels officers should focus on bigger issues and said if he were visiting Branson, this incident would have given him a bad impression of Branson. Mr. Dixon suggested having someone in the Police Department who would be the face of a community outreach program and would like to have it on record that he is concerned with crime and hopes to get the ball rolling on this. He stated he loves Branson and has many fond memories here, but feels people who use drugs and transient people are starting to take over. He mentioned an incident that occurred this summer in which

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he left a message for the Branson Police Department to contact him regarding a crime and he never received a call back. Discussion.

## CONSENT AGENDA

Mayor Presley asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Hearing none, Mayor Presley asked Deputy City Clerk Bargman to read the items on the Consent Agenda. Deputy City Clerk Bargman read the following Consent Agenda items by title.

Approval of Board of Aldermen Minutes:

- a) February 19, 2015 Study Session
- b) February 24, 2015 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Budget and Finance Committee meeting of January 29, 2015

### **BILL NO. 4713**

**Ord. No. 2015-0029**

**Accepting the proposal of Carson Mitchell, Inc. pertaining to the construction of a Utilities Operation and Maintenance Facility to be located at the Cooper Creek Wastewater Plant.**

Final Reading of Bill No. 4713, an ordinance accepting the proposal of Carson Mitchell, Inc. pertaining to the construction of a Utilities Operation and Maintenance Facility to be located at the Cooper Creek Wastewater Plant and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried. Ordinance No. 2015-0029 was duly enacted.

### **BILL NO. 4714**

**Ord. No. 2015-0030**

**Accepting the proposal of ETC Institute pertaining to Community and Business Surveys.**

Final Reading of Bill No. 4714, an ordinance accepting the proposal of ETC Institute pertaining to Community and Business Surveys and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried. Ordinance No. 2015-0030 was duly enacted.

### **BILL NO. 4715**

**Ord. No. 2015-0031**

**Amending the contract with Radiophone Engineering, Inc. to provide radio equipment in and on a site located off Elm Shade Drive.**

Final Reading of Bill No. 4715, an ordinance amending the contract with Radiophone Engineering, Inc. to provide radio equipment in and on a site located off Elm Shade Drive and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried. Ordinance No. 2015-0031 was duly enacted.

Mayor Presley opened the floor for a motion to approve all items on the Consent Agenda. Alderman Davis moved to approve, seconded by Alderman Bohinc. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

## **REGULAR AGENDA**

**RESOLUTION NO.  
2015-R007**

**Approving a Special Event Permit Application for the 42<sup>nd</sup> Autumn  
Daze Arts, Craft and Music Festival.**

A Resolution approving a Special Event Permit Application for the 42nd Autumn Daze Arts, Craft and Music Festival was read by title by Deputy City Clerk Bargman and a staff report was presented by Joel Hornickel. Mayor Presley asked for a motion adopting the resolution. Alderman Booth moved to adopt, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Mayor Presley called for a vote on the Resolution. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried. Resolution No. 2015-R007 was adopted.

**Discussion of Community Survey Questions.**

There was discussion regarding Community Survey Questions led by Garrett Anderson and Bill Malinen. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion.

**Update on Priority Based Budgeting.**

An update on Priority Based Budgeting was provided by Jamie Rouch. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter.

William Dixon, 804 Oakview Road, Branson, Missouri inquired if the priorities mentioned in the presentation were in order of priority.

Mayor Presley asked for comments from the Board. Discussion.

**BILL NO. 4716**

**Amending Chapter 26 of the Branson Municipal Code pertaining to  
the licensing of pawnshops.**

First Reading of Bill No. 4716, an ordinance amending Chapter 26 of the Branson Municipal Code pertaining to the licensing of pawnshops was read by title by Deputy City Clerk Bargman and a staff report was presented by Carl Garrett. Mayor Presley asked for a motion approving Bill No. 4716. Alderman Bohinc moved to approve, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

**BILL NO. 4717**

**Approving a contract with Lou Fusz Chrysler/Jeep/Dodge pertaining  
to the purchase of police vehicles.**

First Reading of Bill No. 4717, an ordinance approving a contract with Lou Fusz Chrysler/Jeep/Dodge pertaining to the purchase of police vehicles and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Kent

Crutcher. Mayor Presley asked for a motion approving Bill No. 4717. Alderman Todd moved to approve, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

#### **BILL NO. 4718**

##### **Approving a contract providing two School Resource Officers, one for the Branson High School and one for the Branson Jr. High.**

First Reading of Bill No. 4718, an ordinance approving a contract providing two School Resource Officers, one for the Branson High School and one for the Branson Jr. High and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Kent Crutcher. Mayor Presley asked for a motion approving Bill No. 4718. Alderman Booth moved to approve, seconded by Alderman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

#### **BILL NO. 4719**

##### **Approving a contract between the City of Branson and Communications Equipment Company, LLC to install radio equipment in and on a site located off Elm Shade Drive.**

First Reading of Bill No. 4719, an ordinance approving a contract between the City of Branson and Communications Equipment Company, LLC to install radio equipment in and on a site located off Elm Shade Drive and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Kent Crutcher. Mayor Presley asked for a motion approving Bill No. 4719. Alderman Davis moved to approve, seconded by Alderman Simmons. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

## **APPOINTMENTS**

Mayor Presley requested the following appointments be made:

Sherry Devore, Re-appointment to the IDA with a term expiring December 2020.

Mike Davis, Appointment to the IDA with a term expiring December 2020.

Stephen Marshall, Appointment to the IDA with a term expiring December 2018.

Mayor Presley asked for a motion approving the appointments. Alderman Booth moved to approve, seconded by Alderman Bohinc. Mayor Presley asked for comments. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

## **DISBURSEMENTS**

Mayor Presley stated the next item was review of disbursements for January 23, 2015, through February 20, 2015, and asked if there were any questions regarding the disbursements. [See Master File for copies of disbursements.] Mayor Presley asked for a motion acknowledging the receipt of disbursements from January 23, 2015, through February 20, 2015. Alderman Simmons so moved, seconded by Alderman Booth. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

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## MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Booth mentioned the Taney County Business Development Partnership continues to meet and is involved with several new businesses coming to the area. He added, there is a favorable report regarding the airport's options for bringing in a main carrier and mentioned Taney County Commissioner Scofield attended both meetings and he appreciates his leadership. Alderman Booth added, the airport doesn't have any new projects on the horizon just yet, but is doing a great job.

Alderman Todd mentioned the NAIA Basketball Championship Tournament kicks off tomorrow and he appreciates how the teams and fans are treated in Branson. Mayor Presley agreed and mentioned seeing a photo of a team member who was displaying his excitement about the snacks his team's sponsor provided in his hotel room. Alderman Booth mentioned recently having a conversation with a woman from Indiana whose son played in the NAIA Tournament in previous years and she complimented Branson on being a great place to visit.

Alderman Bohinc attended the Fire Department Banquet and thanked Fire Chief Martin for the invitation. She felt it was a wonderful banquet and she enjoys seeing how many long-term employees there are and is amazed at how much the Fire Department does. Alderman Bohinc mentioned attending the reception for Jeff Siefried, the new President/CEO of the Branson/Lakes Area Chamber of Commerce and Convention & Visitors Bureau and was pleased with the attendance. Alderman Bohinc wished Planning and Development Director Hornickel a happy birthday and congratulated Mayor Presley and Steve Presley on being new grandparents.

Alderman Davis stated he also attended the Fire Department Banquet and thanked Fire Chief Martin for inviting the Board. He said he appreciates Planning and Development Director Hornickel for continuing to work on the issue of how the City responds to methamphetamine-contaminated spaces and for providing the Board with information on this issue. He commented this process has taken some time and is a problem that has not gone away so he feels it is time to continue with this effort. Alderman Davis stated there are still 50 shortleaf pine trees left to be planted in town and thanked the Utilities, Public Works and Parks and Recreation Departments for their ideas on where to plant these trees. Alderman Davis stated there used to be a stand of shortleaf pine trees on Highway 76 that created a sense of place worth repeating. He believes these trees give a sense of forest community and would encourage off-season visitor attendance since they make the town more beautiful. Alderman Davis asked the Board for their input on making this more of a community project in order for the public to provide suggestions.

Alderman Simmons thanked Alderman Davis for his work as Alderman and feels he works tirelessly on this job. He mentioned attending the Fire Department Banquet and thanked Fire Chief Martin for the invitation. He appreciates seeing the camaraderie and recognition of the Fire Department staff.

Alderman Parnell also attended the Fire Department Banquet and thanked Fire Chief Martin for the Board's invitation. He enjoyed the banquet and said he was surprised to see Alderman Davis in attendance at the banquet as he had spent the earlier portion of the day planting over 200 trees at the Lakeside Forest Wilderness area. Alderman Parnell mentioned attending the welcome banquet for Jeff Siefried. He feels Jeff is very enthusiastic and will do a great job for the Branson/Lakes Area Chamber of Commerce and Convention & Visitors Bureau. Alderman Parnell attended a meeting with CMT, the project designers for the Downtown Revitalization Project, in which Phase II of the project was discussed and felt it was a good meeting. He mentioned the project will move forward in order to break ground on schedule for Phase II. Alderman Parnell commented he is planning to attend the Chamber of Commerce Public Relations Committee meetings in order to represent the Downtown project.

Alderman Todd mentioned his son was recently hired as an EMT in Panama City in preparation for Spring break and the stories his son has told him about the issues Panama City has are unbelievable.

He added, Branson is about to have Spring break which will be a success and commented on the vast differences between communities as a result of the type of people each City markets to.

Administrator Malinen thanked Fire Chief Martin for the invitation to the Fire Department Banquet and felt it was great to see the employees recognized and the firefighters' dedication to protecting the community. He mentioned the roundtable discussions involving City staff, local builders and developers have concluded and thanked all departments involved with this process. He feels the general response from the builders and developers has been positive. He added, the City will continue to survey people when they do projects in order to receive feedback and continually make improvements. Administrator Malinen reported the Spirit of 76 Project is continuing and there is public relations collaborative underway to engage people and let them know the City is moving forward. He reported the furniture selected for the Downtown project had to be changed from a wood material to a recycled material and a sample of the furniture is available in the Engineering Department. He mentioned attending a meeting in which the SMG incentive fee was reviewed and a recommendation regarding the fee will be brought before the Board in the near future. Administrator Malinen attended the welcome reception for Jeff Siefried and is looking forward to the City collaborating with the Chamber of Commerce, Convention and Visitors Bureau and other stakeholders in the community. He reported the sales tax is 20% higher month-to-month and 9% higher from the previous year and tourism tax is 27% higher month-to-month and 21% higher than the previous year. Administrator Malinen then read a statement into the record. (See attached)

Mayor Presley thanked Administrator Malinen for his efforts and asked for any input from the Board on his statement.

Alderman Todd commented he appreciates Administrator Malinen's approach of gathering information and getting people from different disciplines to begin addressing this issue. He stated his main concern is for people to know if they live a short distance away from a sex offender and feels this is a very high priority that needs to be addressed as soon as possible. In his opinion, budget motels are low-cost apartments due to the way they are being operated and feels everyone has the right to be safe and secure wherever they call home and appreciates the approach being taken. He believes this is a complex process with short-term and long-term solutions and the City can learn from other communities that have similar situations. Alderman Todd said statistically speaking, Branson is an extremely safe community and when compared to places like St. Louis or Kansas City, Branson isn't even in the same ball game and he would like to keep it this way. He added, he feels the approach is right and offered to help however needed.

Alderman Parnell said he agrees with Alderman Todd's comments and feels this is a big issue. He encouraged Administrator Malinen to continue with his approach and diligence and offered his assistance where needed.

Alderman Simmons stated he also believes this is one of the City's big issues and he appreciates the approach of continuing with proper thought and study. He hopes there are things that can be implemented sooner rather than later, but understands it is best to do things correctly.

Alderman Bohinc commented the tragic loss of Jasmine Miller has weighed heavily on everyone's heart in the community and mentioned community oriented policing was implemented at some of the motels that were having a lot of service calls. She suggested educating the community on this program and feels many people do not know about it since many are attacking the City and Police Department when a terrible tragedy occurs. She said she doesn't know all the details of the Jasmine Miller case and doesn't feel she should know all of them, because all that matters is the man who committed the crime is brought to justice which is the main focus of our Police Department. She suggested educating the community on what information is readily available to them online such as the sex offender registry and crime mapping. In addition, the Police Department can teach classes as they have done in the past. Alderman Bohinc said just because a crime happens it doesn't mean the perpetrator was a sex offender or on a registry and feels people have to protect their families and

children. She said it upsets her when she sees children left alone when they should have adult supervision and feels adults need to be educated to look after children better.

Alderman Booth commented there are two parts to this issue: short-term and long-term and feels the City needs to take a look at the short-term. He said he agrees with Administrator Malinen and inquired what could be done in the short-term. He commented on the recent issue of panhandling in which the City didn't do away with panhandling, but addressed the issue. Alderman Booth stated the City is working on rebuilding Highway 76 and if it's looked at from an economic development perspective, the budget motels are going to be not profitable to maintain as a budget motel when a large project is dumped in their laps. He added, the economic development that's occurring is old restaurants and motels are torn down and new ones are built in their place which affects many aspects of the community, making it better than before. Alderman Booth said the City can temporarily fix issues, but at some point the problem needs to be fixed and feels the reason the budget motels offer nightly and weekly rentals is because they can make money. He feels new development will change this and feels Branson is like many other cities that evolve. Alderman Booth said he believes the new developments will also help raise income levels since there will be more business in the area. He commented one thing that has surprised him most from being an alderman is how many people in the general public do not know all the Police and Fire Departments do to keep the community safe and feels it is easy for people to criticize, but educating them on this will help change their viewpoint.

Alderman Davis encouraged Administrator Malinen to continue with the program he's outlined and feels it makes sense. He likes the emphasis on the collection of different perspectives within an advisory group. He commented the local non-profit and social service organizations who work on the front lines have provided some great information and can continue to be a great resource. Upon researching this issue further, he believes the City will find there are many good people who live in budget motels that simply can't afford other housing as conveniently located to their place of employment. He mentioned reading an article in the newspaper that featured a local motel manager who knows a lot about her long-term tenants and their needs. He added, he doesn't believe motel managers like her would tolerate abusive people in her motel, so they migrate to other hotels that will take their money. Alderman Davis said he agrees that budget motels are an economic solution to housing and transportation issues and believes it is a complex problem with many complex issues. He believes the City's goal of access to safe lodging is right and believes the budget motels are actually apartments which may not be a good long-term strategy. Alderman Davis commented he hopes the lodging industry will also participate in the discussion and feels some of the budget motels impact the image of motel rooms in our community.

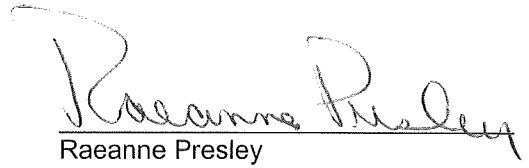
Mayor Presley feels the Board's input was great and asked Administrator Malinen to keep the Board informed on this topic. She thanked Vicki McFarland, Garrett Anderson and all the Directors who helped with the Loaves and Fishes event and feels many people worked hard. She reminded everyone the Regional Sewer Summit will be held next Thursday and inquired when the Board would have the opportunity to go on a biosolids tour. She thanked Deputy City Clerk Bargman for leading the meeting this evening.

## **EXECUTIVE SESSION**

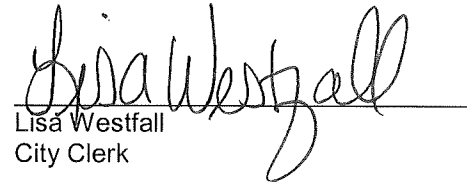
Mayor Presley asked for a motion to adjourn into a closed Executive Session. Alderman Davis moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation, seconded by Alderman Bohinc. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried.

## ADJOURN

Mayor Presley asked for a motion to adjourn. Alderman Bohinc moved to adjourn, seconded by Alderman Davis. Voting aye: Parnell, Booth, Todd, Bohinc, Davis and Simmons. Nays: none. Motion carried. Meeting adjourned at 9:00 p.m.



Raeanne Presley  
Mayor



Lisa Westfall  
City Clerk



## STATEMENT MADE BY ADMINISTRATOR MALINEN

Mayor & Boardmembers:

At your February 24<sup>th</sup> meeting, and since, the Mayor & Aldermen have expressed concern about motel residents and possible lack of information regarding their nearby neighbors in the motel – i.e. Sex Offenders. I want to report that we are following up on those concerns and are examining the problems that may be related to motels.

Since that time, I have held several meetings with staff, health department and interested parties to begin the process of identifying problems and solutions. As the Mayor and Board know, the City initiated a Risk Reduction program back in 2012. That program, which continues today, is aimed at helping ensure the safety of those staying in our motels and hotels by having inspections that begin with basic fire safety issues, but also involve possible building, nuisance and health inspections and follow-up.

Reviewing information from that program and gathering other information and statistics is our first step towards identifying problems, the scope of those problems and determining where to direct our efforts in the community. In addition, we are researching other resources and approaches to assist in developing an enhanced program aimed at the safety and health of our visitors and residents.

Studies indicate that problems most likely will be at “Budget Motels” – those at the lower end of the cost spectrum for a night’s stay. I prefer to use this term rather than “Extended Stay” or “Weekly Rental”, because the crux of the problems appear to have a correlation between the cost of a room to the amount of “Calls for Service” a property may receive – not necessarily the length of stay.

Initially, it appears that there is a small percentage of properties that are “Budget Motels” that might generate the most calls for service for law enforcement – the Pareto Principle is at work – i.e. 20% of the total properties generate 80% of the calls for service. I’m not quoting a statistic as much as a trend that appears to come from what I’ve gathered. With some 14,000 rooms spread across over 150 lodging properties, it is inevitable that some properties will create problems, and that ratio gives us a sense of magnitude – and also reflects that there are many excellent, and desirable places to stay in Branson.

There are a complex set of factors contributing to the existence and benefit of “Budget Motels”. While they may be a source of calls for service – such as theft, drug use, assault – they are also a form of housing for many who call Branson home and have done so for many years. A portion of our community benefits from this type of lower cost housing. The social and economic condition of these residents and possible implications of City action and regulation makes this a more complex issue warranting a careful, thoughtful analysis.

However, I do believe that the problems we identify and the solutions we eventually implement will achieve our goal of safe and healthy lodging at all Branson lodging properties.

We will continue to address the issue of notification of lodging residents regarding Sex Offenders – what we can and cannot do – and we will continue our research, analysis and assessment of our lodging industry, with a particular eye toward calls for service (whatever the nature) and its mitigation. If the Board concurs that this is a “Big Rock” for the Board, staff and community, then we will continue to work diligently on our process, with your input and direction.